

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 17 -

**AN ORDINANCE AMENDING VARIOUS ZONING PROVISIONS OF
CHAPTER XVII, LAND USE AND DEVELOPMENT, OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)”**

BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey as follows:

Section 1. Amend Section 17-138(a) so that the Zoning Map includes Block 78, Lot 17 within the *Inclusionary Multi-Family – 1 Zone (IMF-1)*.

Section 2. Amend Section 17-138(b) “Map Amendments” to add the following note:

“21. The official zoning map of the Township of Hopewell was amended on _____ (Ord. No. _____) to designate Block 79.01, Lot 21 within the *Inclusionary Multi-Family – 1 Zone (IMF-1)*.

Section 3. Article IX, entitled “Zoning Districts”, of Chapter XVII, Land Use and Development, of the “Revised General Ordinances of the Township of Hopewell, New Jersey (1978),” is hereby amended and supplemented with the addition of the Inclusionary Multi-family -1 Zone (IMF-1) to read as follows:

17-173 *Inclusionary Multi-Family – 1 Zone (IMF-1)*

- a. *Purpose.* The purpose of this district is to provide an opportunity for inclusionary residential development in an appropriate location in order to meet the constitutional obligation to provide for the Township’s fair share of the regional need for affordable housing. This zone advances the dual master plan objectives of increasing the supply of affordable housing and diversifying the types of housing available to meet the changing demographics of the Township. This zone is also intended to implement the terms of a certain Settlement Agreement, including the Supplemental Settlement Agreement attached thereto, by and between, inter alia, the Township and Fair Share Housing Center dated July 13, 2017, which Agreement was approved by the Court at a Fairness Hearing held on August 28, 2017 in the action captioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mt. Laurel).
- b. Permitted Principal Uses.
 - 1. Garden apartments.
 - 2. Townhouses.
 - 3. Stacked flats, in a multi-family dwelling building, which may contain up to three dwelling units vertically provided each unit has its own private entrance. Stacked flats may have rear loaded driveways and garages with a rear access

way of 24' in width (excluding driveways) for 2 way traffic or 18' in width (excluding driveways) for 1 way access.

c. Permitted Accessory Uses

1. Structures designed for recreation or community use as a part of the multi-family dwelling development.
2. Private garages and carports.
3. Tot lots.
4. Walking paths.
5. Off-street parking facilities.
6. Community clubhouse with fitness room, club room and furnished model.
7. Management and leasing offices.
8. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
9. Solid waste facilities.
10. Monument signs located at entrance to be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.
11. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television.
12. Temporary Sales Model Homes within the respective home types, including related direction signage to identify the home(s) as a model.
13. One temporary construction and one temporary marketing/sales trailers.
14. Patios and Decks directly adjacent to the rear of any homes, which shall also be permitted to be located within building setbacks.
15. Privacy fences separating the townhomes shall not exceed 10' in length and shall not enclose a patio.
16. Such other accessory uses customarily incidental to the uses permitted herein, however outdoor storage other than that which can be accommodated on a deck or patio is not permitted. Free standing or attached storage sheds outside of a patio or deck are not permitted.

d. Overall or Entire Tract Bulk and Area Requirements

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|--------------------------------|--|
| 1. Minimum Lot Area | 10 acres |
| 2. Minimum Lot Frontage | 150 feet |
| 3. Minimum Lot Width | 300 feet |
| 4. Minimum Lot Depth | 200 feet |
| 5. Minimum Building Set-back | |
| 1. Front yard | 45 feet (for individual units: shall be 20' from back of curb where no sidewalk provided, and 20' from back of sidewalk) |
| 2. Side/Rear yard | 40 feet (for individual units: shall be 10' from back of curb) |
| 3. Building to Building | 20 feet |
| 6. Maximum Building Coverage | 30% |
| 7. Maximum Impervious Coverage | 60% |
| 8. Maximum Density | 8 units/acre |
| 9. Maximum Building Height | 3 stories and 45 feet |
| 10. Drive Aisle Width | 24' for 2 way traffic/access |

11. Parking (excludes driveways for the purpose of set-back and distance)
 1. Spaces per unit per RSIS
 2. Set-back from tract property line 20 feet
 3. Distance from building 10 feet
 4. Parking stall size 9' x 18'
17. Minimum landscaped buffer
 - 25' front yard
 - 20' side and rear yards

e. Very Low, Low and Moderate Income Housing Requirements

1. A minimum set aside of 15% of all units must be deed restricted for occupancy by very, low and moderate income households.
2. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing.
3. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.
4. Affordable housing units shall be affordable family rentals (not age-restricted) and shall be located in one or more buildings. A Certificate of Occupancy for the affordable building must be issued before the Township is obligated to issue more than 51% of the Certificates of Occupancy for the market rate units. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

f. Other Requirements

1. Building Design. The design of the buildings shall be residential and not institutional and shall conform to the following:
 - a. Architectural elevations and floor plans shall be provided for each type of building.
 - b. Maximum length of buildings shall not exceed 225 feet.
 - c. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
 - d. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate design techniques to shield any roof mounted equipment.
 - e. All HVAC and mechanical equipment shall be located on the side or rear of each home. If not so located then the HVAC and mechanical equipment shall be adequately screened from view.
 - f. All units shall be designed in a unified architectural style.
2. Circulation.
 - a. A boulevard street entry shall be provided at the community entrance.

- b. Pedestrian circulation systems shall be designed to extend through the neighborhood and connect with open space and common areas. Sidewalks shall be provided on at least one side of the streets.
- 3. Open Space - A minimum of 20 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space.
- 4. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- 5. Recreation. For a community less than 90 homes, recreation shall be permitted as a system of walking paths or sidewalks and a tot lot to service the subject property.

Section 4. The review of development applications submitted hereunder shall be expedited and variances other than “d”-type variances, waivers and/or exceptions necessary to achieve approval of an inclusionary development of up to 8 dwelling units per acre shall be reviewed by the Planning Board.

Section 5. If any section of this ordinance is determined to be invalid, such determination shall apply only to that section and the remainder of the ordinance shall be deemed to be valid.

Section 6. This ordinance shall take effect upon passage and publication as provided by law.

Date Introduced:

Date Advertised:

Date Adopted: